

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HARRISON DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

v.

No. 3:17-CR-30007

GREGG ALFRED NICHOLAS

DEFENDANT

OPINION AND ORDER

Before the Court is Defendant Gregg Alfred Nicholas's motion (Doc. 74) for early termination of supervised release under 18 U.S.C. § 3583(e). The Government has filed a response (Doc. 75) in opposition. The motion will be denied.

Title 18 U.S.C. § 3583(e) allows the Court to terminate supervised release if, after considering certain sentencing factors set out in 18 U.S.C. § 3553(a), the Court is satisfied that the conduct of the defendant and the interest of justice warrant such action. The Court is not satisfied that early termination is warranted. While the Court has considered all of the § 3553(a) factors referenced in § 3583(e), the two factors most pertinent to resolution of this motion are those in § 3553(a)(2)(A) and (a)(2)(C): the need for the sentence imposed “to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense; [and] to protect the public from further crimes of the defendant.”

Mr. Nicholas argues his compliance during his first year of supervised release and his status as a model prisoner justify the early termination of his supervised release. The Government responds that Mr. Nicholas' behavior in prison is not as spotless as he claims because he had two incidents with staff. Moreover, the Government asserts that mere compliance with supervised release does not warrant early termination of that release. The Court remains concerned that Mr. Nicholas's earlier instances of disrespect for the law that resulted in this sentence will reoccur if

he is granted early termination of his supervised release. Because of this, the Court views the Probation Office's supervision of Mr. Nicholas as essential to deterring future criminal misconduct akin to the offense conduct in this case.

IT IS THEREFORE ORDERED that Defendant's motion for early termination of supervised release (Doc. 74) is DENIED.

IT IS SO ORDERED this 3rd day of March, 2023.

/s/ P. K. Holmes, III

P.K. HOLMES, III
U.S. DISTRICT JUDGE